

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DANIEL PLEWINSKI,

Plaintiff,

v.

LUBY'S, INC. d/b/a LUBY'S

Defendant.

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Civil Action No. 4:07-CV-03529

DEFENDANT LUBY'S DESIGNATION OF ADDITIONAL EXPERT WITNESSES

Defendant Luby's, Inc. d/b/a Luby's (hereinafter "Luby's") respectfully files this Designation of Additional Expert Witnesses. This designation reflects the experts that, at this time, Luby's expects to call in the trial of the above-referenced case or by affidavit in post-trial motions/briefing. Luby's reserves the right to further supplement this designation if additional facts become available.

Thomas McMullen
The Hay Group
5001 Spring Valley Rd, Suite 800 West
Dallas, TX 75233
Telephone: 469-232-3820

The information required by Fed. R. Civ. P. 26(a)(2)(B) is attached hereto, including, but not limited to, a statement of Mr. McMullen's opinions, and the basis and reasons for them. Mr. McMullen's testimony may also include information gathered from others at The Hay Group and in the industry regarding restaurant job functions and payment practices. Defendant may supplement this disclosure in advance of trial as more information becomes available during the course of discovery.

Mr. Gabe Gelb
Gelb Consulting Group, Inc.
1011 Highway 6 South
Suite 120
Houston, Texas 77077
Telephone: 281-759-3600

The information required by Fed. R. Civ. P. 26(a)(2)(B) is attached hereto, including, but not limited to, a statement of Mr. Gelb's opinions, and the basis and reasons for them. Defendant may supplement this disclosure in advance of trial as more information becomes available during the course of discovery.

Chris Tripoli
Alacarte Foodservice Consulting Group
14125 Memorial, Suite 104
Houston, Tx 77079
Telephone: 281-293-0077
Fax: 281-920-9936

The information required by Fed. R. Civ. P. 26(a)(2)(B) is attached hereto, including, but not limited to, a statement of Mr. Tripoli's opinions, and the basis and reasons for them. Defendant may supplement this disclosure in advance of trial as more information becomes available during the course of discovery. Mr. Tripoli may supplement his report upon review of the expert reports and testimony of other witnesses offered by the parties in this matter, including those experts identified herein.

Chris Pappas
President & CEO, Luby's Inc.
13111 Northwest Freeway
Suite 600
Houston, Texas 77040

Mr. Pappas will provide expert and lay testimony regarding the duties of waiters, service attendants/bussers and dishwashers at Luby's Inc. stores, and other similar restaurants in the industry. He may also provide testimony regarding the operations of Luby's restaurants and other restaurants, and the job functions and duties typically found in restaurants and pay and tipping practices of restaurants, including but not limited to the customer service aspects of the duties of service attendants/bussers. He may also provide testimony regarding the fact that service attendants are "bussers" based on the job functions typically performed, that they are customarily and regularly tipped in the industry, and they perform important customer service functions. His testimony will be based on his knowledge and experience in the industry.

Carter Crow
Fulbright & Jaworski L.L.P.
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
Telephone: 713-651-5151
Fax: 713-651-5246

Mr. Crow will provide expert testimony regarding the reasonableness and necessity of attorneys' fees incurred in this matter. His testimony will be based on this knowledge and experience as a practicing attorney in Harris County.

Gordon Smith
University of Houston
334 Melcher Hall
Houston, Texas 77024-6021

The information required by Fed. R. Civ. P. 26(a)(2)(B) is attached hereto. Defendant may supplement this disclosure in advance of trial as more information becomes available during the course of discovery.

Dated: October 1, 2009

Respectfully submitted,

OF COUNSEL:

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/s/ M. Carter Crow w/permission by David B.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon opposing counsel either via First Class Mail, Return Receipt Requested or via electronic service pursuant to the applicable local rules on October 1, 2009.

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_____/s/ David B. Jordan
David Jordan